

Docket No. PPC0834-CIP5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nawaz Ahmad et al.
Serial No. : 10/697,838 Art Unit: 1764
Filed : October 30, 2003 Examiner:
For : Warming and Nonirritating Lubricant Compositions
and Method of Comparing Irritation

I hereby certify that this correspondence is being deposited with the
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April 22, 2004
(Date of Deposit)

Andrea L. Colby
(Name of applicant, assignee, or Registered Representative)

Andrea L. Colby
(Signature)

April 22, 2004
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure
Statement mailed on December 23, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37
C.F.R. §§1.97-1.98, information relating to the above-
identified application is hereby disclosed. Inclusion of
information in this statement is not to be construed as an
admission that this information is material as that term is
defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the
patentability of the claimed invention over any of the
information provided herewith, and/or to prove that this

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information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

☒ The relevance of those listed references which are not in the English language is as follows: Translations are provided for WO 99/29301 and JP 2001-335429.

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed .

☒ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PPC834CIP/ALC. This form is submitted in triplicate.

Respectfully submitted,

Andrea L. Colby
Reg. No. 30,194
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2792
DATED:

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	10/697,838
Filing Date	October 30, 2003
First Named Inventor	Nawaz Ahmad
Group Art Unit	1764
Examiner Name	
Attorney Docket Number	PPC0834-CIP5

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		4,110,426	A	Barnhurst et al.	08-29-1978	
		4,233,876	A	Leahy et al.	11-18-1980	
		4,347,237	A	Evenstad et al.	08-31-1982	
		4,720,507	A	Wiebe	01-19-1988	
		4,863,725	A	Deckner et al.	09-05-1989	
		4,950,475	A	Vishnupad et al.	08-21-1990	
		5,208,031	A	Kelly	05-04-1993	
		5,270,032	A	Pollock et al.	12-14-1993	
		5,349,149	A	Shiraki et al.	09-20-1994	
		5,393,528	A	Staah	02-28-1995	
		5,512,289	A	Tseng et al.	04-30-1996	
		5,513,629	A	Johnson	05-07-1996	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		JP	2001- 335429	A	Mandom Corp.	12-04-2001		Yes
		WO	98/18448	A	Notax Holding GES mgh:Knogler Wolfgang (AT)	05-07-1998		Yes

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		AKIN ET AL, "Continuous Low-Level Topical Heat in the Treatment of Dysmenorrhea.", Obstetrics & Gynecology, Vol. 97, No. 3, pp 343-349 (March 2001)	
		FAIL ET AL, "General, Reproductive, Developmental, and Endocrine Toxicity of Boronated Compounds", Reproductive Toxicology, Vol. 12, No. 1 (1998) pp 1-18.	
		Package - BIORE Cleanse Self-Heating Mask (front, back and side)	
		Package - Oil of Love KAMASUTRA (front and back)	
		SUN, "Skin Absorption Enhancement by Physical Means: Ultrasound, and Electricity", Chapter 10 of Transdermal and Topical Drug Delivery System, edited by Ghosh et al, Interpharm Press, Inc., pp 327-355 (1997)	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
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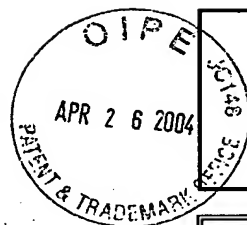
Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		5,529,782	A	Staab	06-25-1996	
		5,595,980	A	Brode et al.	01-21-1997	
		5,599,551	A	Kelly	02-04-1997	
		5,658,583	A	Zhang et al.	08-19-1997	
		5,709,849	A	Ito et al.	01-20-1998	
		5,885,591	A	Ahmad et al.	03-23-1999	
		5,895,658	A	Fossel	04-20-1999	
		5,902,593	A	Kent et al.	05-11-1999	
		5,976,561	A	Kent et al.	11-02-1999	
		5,980,875	A	Mousa	11-09-1999	
		5,980,924	A	Yamazaki et al.	11-09-1999	
		6,007,846	A	Klar	12-28-1999	
		6,013,270	A	Hargraves et al.	01-11-2000	
		6,019,782	A	Davis et al.	02-01-2000	
		6,139,848	A	Ahmad et al.	10-31-2000	
		6,171,604	B1	Mousa	01-09-2001	
		6,221,814	B1	Kaburagi et al.	04-24-2001	
		2002/0103414	A1	Harrison et al.	08-01-2002	
		2003/0211161	A1	Ahmad et al.	11-13-2003	PPC0834USACIP
		2003/0232090	A1	Ahmad et al.	12-18-2003	PPC0834USACIP1

Examiner Signature	Date Considered
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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SUBMISSION UNDER MPEP 609 D

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			Number	Kind Code ² (if known)	
		Ahmad et al	10/137,509		PPC0834
		Ahmad et al	10/696,939		PPC0834USACIP3
		Ahmad et al	10/697,353		PPC0834USACIP4

FOREIGN PATENT DOCUMENTS

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			Office ³	Number ⁴	KindCode ⁵		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²

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